

UNITED STATES DISTRICT COURT
FOR THE Southern District of West Virginia

FILED

AUG - 5 2003

SAMUEL L. KAY, CLERK
U. S. District & Bankruptcy Courts
Southern District of West Virginia

Michael S. Swiger

Pro-Se Plaintiff,

v.

Troy Williamson

Defendant (s).

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CIVIL NO.

5:03-2042

PETITION PURSUANT TO 28 U.S.C.
SECTION 1331

Violation Of Right To Due Process

PETITIONER FILED IN THIS HONORABLE COURT FOR THE
Southern District Court Of West Virginia

BY PLAINTIFF: Michael S. Swiger # 03721-087

F.C.I. Beckley P.O. Box 350

Beaver, West Virginia

25813

1331 Form

FORM TO BE USED BY FEDERAL PRISONERS IN FILING A COMPLAINT
UNDER 28 U.S.C. § 1331

In the United States District Court
For the Southern District of West Virginia

Michael S. Swiger

(Enter above the full name of the
plaintiff or plaintiffs in this
action)

v.

Troy Williamson

CAPT. HUCHESON

James Childress

SHAWN LAUGH

(Enter the full name above of the
defendant or defendants in this
action).

Paul McDowell
James McCarty
Edward G. Hughes
Anna E. Massa
Michael Bettrous
Jessica Brovan
Michael Groom
Harley G. Lappin
BUREAU of Prisons

I. Place of Present Confinement F.C.I. Beckley

II. Previous Lawsuits

A. Have you begun other lawsuits dealing with the same facts involved
in this action or otherwise relating to your imprisonment?

Yes X No _____ A Writ of Mandamus to the Southern District Court of
West Virginia, Filed Feb 6, 2003, no ruling has been made.

B. If your answer to A is yes, describe each lawsuit in the space
below. (If there is more than one lawsuit, describe the additional
lawsuits on another piece of paper, using the same outline).

Writ of Mandamus, for Immediate Release, False Imprisonment

Case #: 03-CV-100

III. In order to proceed in federal court you must ordinarily fully exhaust your administrative remedies as to each ground on which you request action by the federal court.

A. Did you fully exhaust, including appeals, your administrative remedies pursuant to the Bureau of Prisons Policy Statement 1330.07? Yes x No

B. If your answer to A is yes,

1. What steps did you take?

I filed a BP-8, BP-279402-R1, BP-279402-R1 Appeal
10 # 11 #

2. What was the result?

A hearing was granted, within 30 days, by the region on Nov22,02. The hearing wasn't given to me until Mar. 28,03. I also filed to general council. They also granted a hearing according to the region's findings. The B.O.P.

C. If your answer to A is no, why not ? [didn't follow the region's finding. Be

IV. Parties

(In Item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of plaintiff Michael S. Swiger

P.O. Box 350 F.C.I. Beckley

Beaver, West Virginia, 25813

(In Item B below, place the full name of the defendant in the first blank, his official position in the second blank. Use Item C for the names, positions, and place of employment of any additional defendants).

B. Defendant Troy Williamson is employed as Warden

at F.C.I. Beckley, P.O. Box 350

Beaver, West Virginia, 25813.

C. Additional Defendants Capt. Huchesson, Case Manager Shawn Laugh,

Unit Manager James Childers, Lt. James McCarty, D.H.O. C. Kilgore, C.C.M.

Anna Massa, C.C.R.A. Ed Hughs, Regional Director H.G.Lappin, M.C.A.

Unit Director R.T.C.L. Michel Bettrouse, M.C.C.A C.D.C. Jessica Brovan,

M.C.C.A Michel Groom.

V. Cause of Action

(List hereunder the different causes of action that are the grounds for the prosecution of this law suit.)

1. Failure of Staff of M.C.C. to follow Bureau Policies
2. Failure of Staff at F.C.I. Beckley to follow Bureau Policies under policy statement CFR28, 5770-07 B.O.P. program statements
3. Regional office of B.O.P., not enforcing their own findings towards community correction of America, and F.C.I. Beckley for relief in my behalf.

VI. Grounds for relief

(Hereunder set out the factual allegations that you consider as establishing a basis for your requested relief under the specific cause/s of action/s.) (If additional space is necessary, include as attachments.)

1. That C.C.M. Youngstown, Ohio, changed dates on documents after the fact to try and look as if they were inacting within the B.O.P. Policy Statement "time lines".
2. That staff at F.C.I. Beckley didn't follow B.O.P. Policy Statement time guidelines to enforce the process of incident report given to plaintiff, my Due Process Rights were violated also!
3. That the Regional office didn't follow its own findings in that they failed to enforce them, by allowing the staff at Beckley F.C.I. to deviate from the said findings that would have been in my favor in this matter
4. That the general council didn't act to compel the region, or F.C.I. Beckley to follow B.O.P. Policy in this matter, even after it found in my favor.

VII. Relief sought

(Hereunder itemize the specific relief you expect to obtain on the prosecution of this law suit.)

1. Immediate Release from incarceration.
2. Momentary compensation for time loss, illegal imprisonment, stress, loss of family anguish. Threats against plaintiff's freedom and privileges within the institution staff for the filing for relief against the staff.

Wherefore, your Plaintiff respectfully requests that this Honorable Court grant the within relief sought and any other relief that this Court deems just and proper.

Signed this July day of 31, 2003.

Michael S. Swiger

(Signature of plaintiff or
plaintiffs)

Executed at F.C.I. Beckley Beaver Run
(Name of Institution, City, County)

I declare under penalty of perjury that the foregoing
is true and correct.

Executed on Michael S. Swiger 7-31-03
(Date)

Michael S. Swiger

(Signature of plaintiff or Michael S. Swiger
plaintiffs)